

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Talonya Adams,)	
)	No. CV-17-00822-PHX-DLR
Plaintiff,)	
)	
vs.)	Phoenix, Arizona
)	July 10, 2019
Arizona Senate,)	2:41 p.m.
)	
Defendant.)	
)	

BEFORE: THE HONORABLE DOUGLAS L. RAYES, JUDGE

REPORTER'S EXCERPTED TRANSCRIPT OF PROCEEDINGS

JURY TRIAL DAY 2 - TESTIMONY OF LEAH LANDRUM TAYLOR

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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

A P P E A R A N C E S

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**WITNESSES FOR THE
PLAINTIFF:****DIRECT****CROSS****REDIRECT****RECROSS****Leah Landrum Taylor**

By Ms. Adams

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P R O C E E D I N G S

(Prior proceedings held on the record not transcribed herein.)

(Jury present.)

THE COURT: Okay. You may call your next witness.

MS. ADAMS: Thank you, Your Honor. Plaintiff calls former Senator Leah Landrum Taylor.

THE COURT: Senator Landrum Taylor, would you come up here, please. Step up right in front of the clerk, and she's going to swear you in.

LEAH LANDRUM TAYLOR,
called as a witness herein by the Plaintiff, having been first duly sworn or affirmed, was examined and testified as follows:

THE COURT: You may proceed.

MS. ADAMS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. ADAMS:

Q. Good afternoon, Senator. How are you?

A. Good.

Q. Good.

You're currently not a sitting senator; is that correct?

A. That's correct.

Q. But most people still call you by your last title; is that correct?

1 A. That's correct.

2 Q. Okay. Can you turn to the jury and introduce yourself to
3 the jury, state the district that you served on behalf of at
4 the Arizona State Legislature and your time in public office.

5 A. Yes.

6 My name is Leah Landrum Taylor, and I served in
7 District 27. And I served in the Arizona House as well as in
8 the Senate for a total amount of 16 consecutive years.

9 Q. Thank you.

10 And at what point in time did you begin your service
11 in the Arizona State Senate?

12 A. In the State Senate, I started -- well, I started my time
13 in 1998, so eight years from there. That was 2005, I believe
14 it was.

15 Q. Okay.

16 A. Uh-huh.

17 Q. And when you were in the Arizona State Senate, you at some
18 point in time became involved in leadership; is that correct?

19 A. That's correct.

20 Q. And what was your role?

21 A. I served in different roles. I had an opportunity to serve
22 as the minority whip as well as the minority assistant leader
23 and the minority leader.

24 Q. Okay. And when you became the minority leader in the
25 Arizona State Senate, were you the first African-American

1 minority leader that the State of Arizona has had?

2 A. That is correct.

3 Q. Okay. And do you recall the year in which that occurred?

4 A. Yeah. That was in 2012.

5 Q. Okay. And in 2012, you were elected minority leader by
6 your caucus; is that correct?

7 A. That's correct.

8 Q. Okay. And the members of your caucus, you had served with
9 for some duration of time in these prior years?

10 A. That's correct.

11 Q. Both in the House and the Senate?

12 A. Yes. Many of them.

13 Q. Okay. So you knew them very well?

14 A. Most of them, yes.

15 Q. Okay. And at some point in time, Ms. Adams came to work at
16 the Arizona State Senate; is that correct?

17 A. That is correct.

18 Q. Okay. Did you know Ms. Adams prior to her working at the
19 Arizona State Senate?

20 A. No, I did not.

21 Q. Okay. Did you appoint Ms. Adams to her role as a policy
22 advisor at the Arizona State Senate?

23 A. No, I did not appoint her to that position.

24 Q. As a minority leader in the Arizona State Senate, did you
25 have the authority to appoint an individual into a policy

1 advisor role?

2 A. No, I did not have the authority to do that.

3 Q. At any time when you were at the Arizona State Senate, were
4 you aware of a diversity initiative to increase the number of
5 individuals of color at the Arizona State Senate?

6 A. No, not at all. I was not aware of that.

7 Q. Was Ms. Adams hired as part of some affirmative action or
8 diversity initiative at the Arizona State Senate?

9 A. No. No. Not that I was ever aware of anything like
10 that --

11 Q. Okay.

12 A. -- no.

13 Q. When Ms. Adams went to interview at the Arizona State
14 Senate, you interviewed her; is that correct?

15 A. That is correct. It was myself as well as others that
16 interviewed on the panel.

17 Q. Who else was there?

18 A. There was at the time the assistant minority leader. There
19 was also another rank and file member that was there present
20 and then the chief -- at that time, the chief of staff was
21 present.

22 Q. And who was the chief of staff?

23 A. It was Peter Silverman.

24 Q. Peter Silverman, okay.

25 And then the assistant minority leader, was that Linda

1 Lopez?

2 A. That's correct.

3 Q. Okay. And then the other rank and file individual, was
4 that another policy advisor?

5 A. That is correct.

6 Q. Okay. And do you remember who that was?

7 A. No. I actually cannot remember who was on the -- on the
8 panel at that point.

9 Q. Okay. Could it have been Patsy Osmon?

10 A. That is correct, yes.

11 Q. Okay.

12 A. I remember now.

13 Q. And Ms. Osmon had been with the Senate for 14 years at that
14 time; is that correct?

15 A. That is correct.

16 Q. And she is a licensed attorney; is that correct?

17 A. That's correct.

18 Q. Okay. And when you interviewed Ms. Adams, was it -- the
19 panel that you just described, did you simply interview
20 Ms. Adams and then decide to hire her?

21 A. No. There were others that were interviewed as well. It
22 was the process that was followed through the human resources,
23 so that was the process that we worked with. It wasn't an
24 appointment. It was actually an interview process that took
25 place.

1 Q. Okay. And so it was a typical hiring process where there
2 were internal applicant -- were there internal applicants for
3 this role?

4 A. I cannot remember. There may have been.

5 Q. Okay.

6 A. I do know there were quite a few applicants that had
7 applied for the position and individual -- we had an
8 opportunity to follow through, just as we do with any other
9 position that came open, and then to interview the individuals
10 that qualified to be -- to fit for interview.

11 Q. And Ms. Adams was in that pool of individuals that
12 qualified for an interview?

13 A. That is correct.

14 Q. And she was ultimately selected to be the policy advisor?

15 A. Yes. She had the highest score.

16 Q. Okay. And she -- her initial salary offer was \$60,000; is
17 that correct?

18 A. That's correct.

19 Q. Okay. And then she provided a counteroffer? Did you
20 recall that?

21 A. I don't remember what that -- I don't remember the
22 counteroffer. I don't remember that one.

23 Q. Okay. Thank you.

24 When Ms. Adams was hired, how did the position become
25 open? You said, if we have an opening. There was an opening?

1 Someone had departed the Senate?

2 A. Uh-huh. Then it goes through the regular process of making
3 sure the position is posted and then at that point you have a
4 chance to look through the various résumés that are submitted.
5 And then from there you -- you know, there's a selection of
6 those who would come forward to be able to be interviewed. And
7 that's how the process works.

8 Q. Okay. So you didn't create this process for Ms. Adams, did
9 you?

10 A. Oh, absolutely not.

11 Q. Do you ever recall going to Wendy Baldo and saying to her,
12 I'd like to create a position?

13 A. No. This was an open position that was open and it was
14 needed to be filled.

15 Q. Okay. And so Ms. Adams is hired on, and her role is a
16 policy advisor; is that correct?

17 A. That is correct.

18 Q. Were you aware of Ms. Adams being a junior level policy
19 advisor?

20 A. No. Not from -- no, nothing from my memory. I just
21 remember her coming in as a policy advisor, regular policy
22 advisor. I didn't know we had levels.

23 Q. Okay. You're not aware of any level --

24 A. No.

25 Q. -- junior level or entry level policy advisor?

1 A. No, I'm not aware of that.

2 Q. No.

3 And so her job title as policy advisor is simply what
4 was on her business card and what -- the role she was hired to
5 do?

6 A. That's from my understanding.

7 Q. Okay. And at the policy advisor -- at the Senate, there
8 are Republican policy advisors and Democratic policy advisors;
9 is that correct?

10 A. I know that we have policy advisors that are hired on, and
11 it just all depends on which ones will be selected to serve in
12 either the minority or majority roles and staff those
13 individuals.

14 Q. Okay. So Ms. Adams begins working, and how was your
15 working relationship with Ms. Adams?

16 A. I would say a really, really good working professional
17 relationship. Very hardworking. Very dedicated. Always
18 there. Never could quite figure out how Ms. Adams was able to
19 put in all the hours that she did, but she did.

20 But certainly had really good feedback from the
21 members, and in the position that I was in at the time, I would
22 hear various feedback. If it was something that would have
23 been a concern, I would have heard of it.

24 Q. And did you -- did you ever socialize with Ms. Adams
25 outside of work?

1 A. No.

2 Q. Did you have any difficulties in your working relationship
3 with Ms. Adams?

4 A. No.

5 Q. Did you ever receive any complaints from members or even
6 just any -- anyone at the Arizona State Senate regarding
7 Ms. Adams?

8 A. No. Not to my -- my memory, no.

9 Q. Were you ever in communication with HR regarding issues
10 that Ms. Adams may have had?

11 A. No.

12 Q. To your knowledge, does the Arizona State Senate give
13 performance evaluations?

14 A. Not to my knowledge. Keeping in mind the position that I
15 served as a senator, we didn't do any performance evaluations
16 of any of the staff members. However, not quite sure what the
17 chief of staff and what that process was and what it would have
18 looked like.

19 So at that point -- at this point, I could only assume
20 if it was something done or not, but we -- I didn't do it
21 personally --

22 Q. Okay.

23 A. -- in my role.

24 Q. Okay. And so you didn't participate in any HR function,
25 per se, as it relates to policies and handbooks and

1 orientations and things like that?

2 A. No, I did not; that is correct.

3 Q. Okay. Did you have the ability to unilaterally fire a
4 policy advisor in your role as Senate Minority Leader?

5 A. I guess the ability could have been there. However, I
6 wouldn't look at that as being a wise practice, being the fact
7 that it's the chief of staff that actually supervises the
8 individual.

9 So myself personally, I would not look at that as
10 being a proper protocol in going forward, though everyone did
11 have the pleasure at serving in any position -- any hired
12 position, had the pleasure of serving under the Senate
13 President. But there are processes in order to do that.

14 Q. Okay. And so we've heard this before, that individuals at
15 the Arizona State Senate serve at the pleasure of the
16 president. At the time, who was the president of the Arizona
17 State Senate?

18 A. It was President Andy Biggs.

19 Q. Okay. And when you say an individual can serve at the
20 pleasure of the president, what exactly do you mean by that?

21 A. Whatever the need of the chamber is, so far as looking at
22 the budget and the responsibility, the president pretty much
23 serves as like the CEO of the Senate. However, you know, just
24 in knowing processes and procedures were very important to
25 those of us that were serving at that time.

1 Q. Okay. At some point in time, you leave the Senate; is that
2 correct?

3 A. That's correct.

4 Q. When did you leave the Senate?

5 A. I left out in 2015, I believe, yeah.

6 Q. And why did you leave the Senate?

7 A. Well, I reached to the end of my term, and I just thought
8 this was a good time to go ahead and leave after serving for 16
9 years. Was able to get a lot of things accomplished, and it
10 was time to take on some roles that I felt I could pour my
11 passion into.

12 Q. Okay. So you served eight years in the House of
13 Representatives, and then you were termed out; is that correct?

14 A. That is correct.

15 Q. And then you served eight years in the Arizona State
16 Senate, and then you were termed out; is that correct?

17 A. That is correct.

18 Q. Okay. And so prior to being termed out, did you complete
19 your two-year term of being the minority leader?

20 A. Unfortunately, no.

21 Q. What happened?

22 A. There was an ousting that occurred at the time. Did not
23 have any idea why, but it was something that had happened with
24 my caucus.

25 Q. And when you say "ousting," what do you mean?

1 A. There was a decision to vote me out of the role of minority
2 leader.

3 Q. Okay. And was this at a regular election of the caucus?

4 A. No, it was not at a regular election. There was a vacancy
5 that was going to come up from another one of the leadership
6 members, and then it happened without any type of knowledge
7 that this was coming forward.

8 Q. Okay. So you were surprised?

9 A. Absolutely.

10 Q. Okay. And what was the result of that meeting?

11 A. The --

12 Q. Those votes?

13 A. The result -- I don't know what the overall votes were, but
14 it takes a simple majority to be able to move forward with
15 that. I do know there were members that spoke against it, but
16 at the same time -- and in speaking against it, they did talk
17 about the fact that this is not a normal process or procedure.

18 And again, as I mentioned before, it's something that
19 though -- many of us that had served in the legislature really
20 respected the process of how things move forward, and at that
21 time, even including the Senate president. Very respectful of
22 processes.

23 Q. Okay. And so the individuals -- can you tell the
24 individuals that came and spoke against your removal from
25 minority leadership? Can you tell the jury who those

1 individuals were?

2 A. Well, the individuals were other -- they were other members
3 that were there a part of the caucus, so they were the rank and
4 file members that were there. So --

5 Q. And when you say "members," you mean senators?

6 A. Other senators, yeah.

7 Q. And was Katie Hobbs one of those senators that came
8 forward?

9 A. To speak against or --

10 Q. Yes.

11 A. -- in favor?

12 Not to speak against.

13 Q. Okay. You believe she was in favor of your removal?

14 A. Yes.

15 Q. We heard testimony today, you weren't in the room, but as
16 it relates to the decision of the caucus to take that vote, in
17 a year in which there had been some pretty big successes for
18 Democrats, including the bipartisan expansion of Medicaid in
19 the State of Arizona, were you aware that members of your
20 caucus had lost trust in you?

21 A. No. I was not aware of that. We had -- we had -- as you
22 stated, we had made a lot of significant successes with
23 expansion of Medicaid as well as working, you know, across the
24 aisle. There was great staff across the aisle, individuals
25 that we worked with in helping to get a significant amount of

1 bills put forward for Democrats that really hadn't been done
2 before.

3 Q. And that was done under your leadership?

4 A. Yes.

5 THE COURT: Ms. Adams, is this a good place for a
6 break?

7 MS. ADAMS: Yes, Your Honor.

8 THE COURT: Let's take our afternoon recess. We'll
9 come back at 3:15.

10 (Jury not present.)

11 THE COURT: Please be seated.

12 Is there anything else to take up?

13 MR. MOBERLY: No, Your Honor.

14 THE COURT: Ms. Adams?

15 MS. ADAMS: Your Honor, Catherine Miranda is on her
16 way to testify, and I just want to check on the status of that.

17 THE COURT: Okay. You can check on -- we're going to
18 recess this evening at 4:30.

19 MS. ADAMS: Understood.

20 THE COURT: And you've got an hour and 54 minutes
21 left.

22 MS. ADAMS: Okay.

23 THE COURT: We'll stand in recess.

24 MS. ADAMS: Thank you.

25 (Recess taken, 2:59 p.m. to 3:17 p.m.)

1 THE COURT: Counsel approach, please?

2 (At sidebar on the record.)

3 THE COURT: I don't want to tell you how to run your
4 case, but you're getting into a lot of repetitive testimony
5 that you've already covered before, and you're getting short on
6 time.

7 MS. ADAMS: Okay.

8 THE COURT: So just be cautious of that.

9 MS. ADAMS: Yes, Your Honor.

10 MR. MOBERLY: Could I raise one other issue since
11 we're here?

12 I'm really reluctant to suggest a witness that's come
13 down not testify, but we did have this issue with Senator
14 Miranda about the nondisclosure. She was the one we were going
15 to look at the 26 and see.

16 I don't think she's in there. But I also understand,
17 unfortunately, that she's been in the courtroom during the last
18 part of the testimony.

19 THE COURT: She's been -- the rule's been invoked. I
20 think you invoked the rule.

21 MS. ADAMS: Yes.

22 THE COURT: Your witness can't be in the room to watch
23 you testify.

24 MS. ADAMS: Your Honor, I didn't see her when she came
25 in.

1 MR. MOBERLY: I'm sure it was inadvertent.

2 THE COURT: Well, I'm sure it is, but that's a
3 violation of the rule. And that's -- I mean, does she have
4 something to add that no one else has testified to?

5 MS. ADAMS: I think she does.

6 THE COURT: But she wasn't disclosed, or was she?

7 MS. ADAMS: She was disclosed.

8 MR. MOBERLY: Well, she -- your point that she was in
9 the motion for -- she was in the motion for subpoenas, but
10 she's not in the Rule 26 disclosures that I'm aware of.

11 MS. ADAMS: I believe she is in the earlier
12 disclosures.

13 THE COURT: I thought you guys were going to talk
14 about that --

15 MR. MOBERLY: Well, that's --

16 THE COURT: -- and you were going to show him where it
17 was.

18 Because where -- I didn't know this still was an
19 issue. I wish you would have raised it sooner, because we're
20 in the middle of a trial now.

21 MR. MOBERLY: I'm not sure I would have raised it if
22 there wouldn't have been the rule issue. I was just told on
23 the break that she was in the courtroom. And I'm not sure what
24 to do about that.

25 THE COURT: All right. Let's finish up this witness.

1 (End of discussion at sidebar.)

2 (Jury present.)

3 THE COURT: Please be seated.

4 MS. ADAMS: Senator Landrum Taylor.

5 THE COURT: Where is she?

6 Would you please retake the witness stand?

7 You may proceed.

8 MS. ADAMS: Thank you, Your Honor.

9 BY MS. ADAMS:

10 Q. Senator Landrum Taylor, when we finished, we were just
11 having a final discussion around the time in which you were
12 removed from the minority leadership at the Arizona State
13 Senate; correct?

14 A. That's correct.

15 Q. And you had indicated that it was a shock to you based on
16 your history and leadership at the Senate; is that correct?

17 A. That is correct.

18 Q. Okay. And Ms. Baldo didn't participate in any decision as
19 it relates to your removal as the minority leader; is that
20 correct?

21 A. Absolutely not.

22 Q. Okay. And did Peter Silverman participate in, to your
23 knowledge, your removal as the minority leader?

24 A. Not to my knowledge. I do know staff is typically aware of
25 various meetings that will occur, but not to my knowledge.

1 Q. Okay. And how about Senator Katie Hobbs?

2 A. Actually, Senator Katie Hobbs at that time did speak in
3 favor of the removal.

4 And I would just like to state that this is not
5 something that is a precedence that occurs. It is really like
6 never heard of to have something like this happen. So it
7 definitely was unprecedented, and it was just a -- it was not
8 only a shock to members of the caucus that were just astounded
9 that this type of behavior was going on, but it was throughout
10 our entire Senate body.

11 Q. In your time as elected official, have you ever been told
12 that someone has lost their trust in you?

13 A. During the time that this occurred with the ousting, that
14 was one of the things that was shared later, that the -- it was
15 the confidence that was lost by a few of the members that had
16 pushed for this to occur.

17 Q. Okay. And did they give you any specifics?

18 A. There were no specifics given. I did want to know, but
19 there were no specifics given at all. The only thing that we
20 had was the record of what had occurred, and that was making
21 sure that members had an opportunity that never really ever had
22 an opportunity to get bills put forward and then working very
23 hard to get significant measures pushed forward to help out our
24 state. And that was -- that was what occurred.

25 And another big concern that did come up was there was

1 a point to where some of the members that were pushing forward
2 for this were really upset because I had a reputation of
3 working with both sides of the aisle, and that was not
4 something they -- that they liked, I guess.

5 Q. Okay. And after eight years of service in the Senate, you
6 departed the Senate; correct?

7 A. That's correct.

8 Q. And Ms. Adams was still employed as a policy advisor at
9 that time; is that correct?

10 A. That is correct.

11 Q. During the time in which you were at the Senate and you
12 were the minority leader, were you aware of any conduct or any
13 issues as it relates to Ms. Adams?

14 A. No. I wasn't aware of any type of conduct or issues
15 regarding Ms. Adams. The only thing I had always heard was the
16 exemplary service as well as making sure that -- whether it was
17 a brief that was done, briefings were done in an excellent
18 fashion, and keeping members informed. The members spoke very
19 highly of her ability to carry forward with her job and her
20 duties.

21 Q. And under your leadership, was there any reason in which
22 you felt Ms. Adams should have been disciplined, including and
23 up to termination?

24 A. Not under my leadership. Again, I had never heard any
25 complaints at all regarding Ms. Adams, and so there was no

1 reason even for anything about her to be on a radar.

2 MS. ADAMS: Okay. Thank you.

3 No further questions.

4 THE WITNESS: You're welcome.

5 THE COURT: Cross-examination?

6 MR. MOBERLY: No, Your Honor. We have no questions.

7 THE COURT: You may step down. Thank you for coming.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 (Further proceedings held on the record not
11 transcribed herein.)

C E R T I F I C A T E

I, JENNIFER A. PANCRAZ, do hereby certify that I am
duly appointed and qualified to act as Official Court Reporter
for the United States District Court for the District of
Arizona.

I FURTHER CERTIFY that the foregoing pages constitute
a full, true, and accurate transcript of all of that portion of
the proceedings contained herein, had in the above-entitled
cause on the date specified therein, and that said transcript
was prepared under my direction and control.

DATED at Phoenix, Arizona, this 13th day of August,
2019.

s/Jennifer A. Pancratz
Jennifer A. Pancratz, RMR, CRR, FCRR, CRC